

SIXTH DAY.

(Wednesday, September 7, 1932.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called, and the following members were present:

Mr. Speaker.	Harrison
Adams of Jasper.	of Waller.
Adamson.	Hefley.
Adkins.	Herzik.
Akin.	Hill.
Albritton.	Hines.
Alsup.	Holder.
Anderson.	Holland.
Baker.	Holloway.
Barron.	Hoskins.
Beck.	Howsley.
Bedford.	Hubbard.
Bond.	Hughes.
Boyd.	Jackson.
Bradley.	Johnson
Brice.	of Dallam.
Brooks.	Johnson
Bryant.	of Dimmit.
Burns of Walker.	Jones of Shelby.
Burns	Jones of Atascosa.
of McCulloch.	Justiss.
Carpenter.	Kayton.
Caven.	Kennedy.
Claunch.	Laird.
Coltrin.	Lasseter.
Coombes.	Lee.
Cox of Lamar.	Lemens.
Cox of Limestone.	Leonard.
Cunningham.	Lilley.
Dale.	Lockhart.
Daniel.	Long.
Davis.	McCombs.
Dodd.	McGill.
Donnell.	McGregor.
Dowell.	Magee.
Dunlap.	Mathis.
Duvall.	Metcalf.
Elliott.	Moffett.
Engelhard.	Moore.
Farmer.	Morse.
Farrar.	Munson.
Ferguson.	Murphy.
Finn.	Nicholson.
Fisher.	O'Quinn.
Forbes.	Olsen.
Ford.	Patterson.
Fuchs.	Petsch.
Gilbert.	Pope.
Giles.	Ramsey.
Goodman.	Ratliff.
Graves.	Ray.
Greathouse.	Reader.
Grogan.	Richardson.
Hanson.	Rogers.
Hardy.	Rountree.
Harman.	Sanders.
Harrison	Satterwhite.
of El Paso.	Scott.

Shelton.	Towery.
Sherrill.	Turner.
Smith of Bastrop.	Van Zandt.
Smith of Wood.	Vaughan.
Sparkman.	Wagstaff.
Stephens.	Walker.
Stevenson.	Warwick.
Steward.	Weinert.
Strong.	West of Coryell.
Sullivant.	West of Cameron.
Tarwater.	Westbrook.
Terrell	Wiggs.
of Cherokee.	Wyatt.
Terrell	Young.
of Val Verde.	

Absent.

Dwyer.	Martin.
McDougald.	Mehl.

Absent—Excused.

Adams of Harris.	Keller.
Bounds.	Savage.

A quorum was announced present.

Prayer was offered by the Rev. John W. Holt, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Savage for today, on motion of Mr. Davis.

Mr. Keller for today, on motion of Mr. Walker.

The following member was granted leave of absence on account of illness:

Mr. Bounds for today, on motion of Mr. Justiss.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Farmer and Mr. Rogers:

H. B. No. 65, A bill to be entitled "An Act amending Article 7046 of the Revised Civil Statutes of the State of Texas for 1925, providing that a poll tax of one (\$1.00) dollar only shall be collected on every person between the ages of 21 and 60 years; making certain exceptions; and declaring that no poll tax shall be levied for general revenue purposes, and that no county shall levy a poll tax, and providing where unorganized counties may pay, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Anderson, Mr. Pope and Mr. McGill:

H. B. No. 66, A bill to be entitled "An Act to repeal Article 1416, Chapter 10, Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. West of Cameron and Mr. Duvall:

H. B. No. 67, A bill to be entitled "An Act for the relief of water improvement districts and water control and improvement districts; and empowering such districts without an election to refund outstanding bonded indebtedness including matured and unpaid interest coupons and accrued interest, and prescribing the manner in which and the terms and conditions upon which same may be refunded, and prescribing the duties and functions of the Attorney General and Comptroller of the State in connection with such refunding; and providing for the manner in which, and the terms and condition upon which such districts may cancel all, or any part, of such unsold bonds heretofore authorized by such districts, etc."

Referred to Committee on Conservation and Reclamation.

By Mr. West of Cameron and Mr. Duvall:

H. B. No. 68, A bill to be entitled "An Act for the relief of water improvement districts and water control and improvement districts and declaring and providing for such districts the power to make contracts with, sell securities to, and borrow money from, the Reconstruction Finance Corporation, and defining the terms and conditions upon which and the manner in which said powers may be exercised, and providing the purpose for which the money so borrowed may be expended, and providing how and in what manner the repayment of such borrowed money may be secured out of certain income and revenues of such districts, and providing certain rights and remedies for the enforcement of such security, and for said purposes creates the 'Loan Fund Charge,' etc."

Referred to Committee on Conservation and Reclamation.

URGING SUPPORT OF THE DEMOCRATIC NOMINEES FOR PRESIDENT AND VICE-PRESIDENT.

Mr. Bradley offered the following resolution:

H. C. R. No. 9, Relative to the support of the Democratic nominees for President and Vice-President.

Whereas, "In this time of unprecedented economic and social distress the Democratic party declares its convictions that the chief causes of this condition were the disastrous policies pursued by our Government since the World War * * *" to quote from the platform of the Democratic party adopted in Chicago in June, 1932, and the said condition is in part the result of economic isolation under the shield of an unparalleled and unjust tariff law adopted by a Republican Congress, known as the Hawley-Smoot tariff law and brazenly based, not on the need for revenue, but rather for the protection of industries, once in their infancy, but now grown in size and strength to such extent that they have dominated the foreign and domestic policies of this country under every Republican administration for over two generations; while the Democratic platform mentioned above calls for a "* * * competitive tariff for revenue with a fact finding tariff commission free from executive interference; reciprocal tariff agreements with other nations, and an international economic conference designed to restore international trade and facilitate exchange," offers promise of the sound basic Democratic doctrine of free trade as near as the same is possible under the present tariffs levied by other countries, and contains marked advantage over the Republican tariff plank which openly admits that the Republican party is and has always "* * * been the staunch supporter of the American system of protective tariff." Not only has the Hawley-Smoot tariff law contributed to our country's economic isolation and unemployment, but also this Republican tariff measure, conceived in the determination to secure special privilege for the favored few and ignoring the Democratic doctrine of equal opportunity for all, is not benefitting the working people of America as hypocritically urged by the Republican party, but will add to their present impoverishment. The vast benefit of our protective tariff

accrues to the vested interests that own the protected industries, and whatever benefits from this unjust enrichment may trickle down to the masses of the people become meager and insignificant. Furthermore, the Republicans in their platform attempt to defend the policy they have heretofore pursued, of vesting legislative authority in the matter of fixing tariff rates in the executive department of the National Government instead of in the legislative department where it rightfully belongs. Our party rightfully resents this encroachment on the part of the presidency, for the Republican party on this matter is autocratic and contrary to the Democratic traditions of the nation. Autocracy in theory may promise efficiency and dispatch, but democracy avoids the unselfish abuse of power so often experienced if and when the authority of government is vested in a single individual. The Democratic party in its recently adopted national platform wisely advocates that by international conference the tariff walls may be reduced, international trade stimulated, and prosperity secured. This is a formidable Democratic proposal that would do much to overcome our present economic ills; and

Whereas, Said platform of the Democratic party, in the popular spirit of the times and in compliance with the best thought of modern political science, advocates that taxes should be levied in accordance with ability to pay, which doctrine would eliminate the proposed sales tax which falls heaviest upon the masses of the people, who should not be further burdened during their present impoverishment, but are entitled to social justice and opportunities not yet secured to them,—and in this respect said platform is far superior to the camouflage Republican platform which expresses a fine platitude that means nothing; and said Democratic platform contains the constructive recommendation calling for "An immediate and drastic reduction of governmental expenditures by abolishing useless commissions and offices, consolidating departments and bureaus, and eliminating extravagance to accomplish a saving of not less than twenty-five per cent of the cost of Federal government; and we call upon the Democratic party in the states to make a zealous effort to achieve a proportionate result," which said plank is the process of being com-

plied with by the Legislature of the State of Texas; and

Whereas, Said Democratic platform offers the promise of meeting our present grave problem of unemployment involving twelve million American breadwinners and their families whose tramping in search of honest employment cannot be drowned by any other issue that may be raised as a smoke screen, which said problem of unemployment is in no manner being met by the Republican administration and party, whose practice today is resulting in the cutting of wages of employes of the United States Government under a system involving shorter hours with reduced wages and a lower standard of living, although during this time of economic maladjustment the common people should not be required to bear the brunt of loss of income which will result in a further lowering of the standard of living; and said Democratic platform advocates meeting the unemployment cycles in the future by means of unemployment and old age insurance and indorses the humanitarian program for child welfare; and

Whereas, The Republican party is attempting to avoid this responsibility in the present period of unemployment by claiming that the problem must be met by the state and local units of government, although a frank attempt to meet the issue would call for action on the part of Congress on a nationwide scale with whatever assistance the states may be in position to render either on their own initiative or through participation in a national program; and

Whereas, The farmers of America have been misled in so far as they have put faith in the Republican party, which after passing legislation through Congress that called for cooperative associations owned and controlled by the rank and file and after the authorization of the Federal Farm Board, by steam-roller methods has dominated and controlled said associations to the exclusion of any real authority on the part of the rank and file of the farmers, and has further failed to relieve the farmers through the Federal Farm Board or otherwise, because said board and other Republican agents have sought to relieve the present condition of agriculture by giving assistance to those on top without offering needed help to the dirt farmers, which procedure on the part of the Republicans is all that

could be expected because of their traditional service to special interests; and

Whereas, Specific reform of the banking and financing system of America recently has been promised by Franklin D. Roosevelt in a speech delivered by him during the present presidential campaign, and such system is the nerve center of business in our nation; and the Democratic candidate for the presidency of the United States has pledged himself to an adequate water-power control "in the public interest," which control of water-power resources in our nation is one of the immediate requirements in the conservation program of America; and

Whereas, The Republican party in its national platform recently adopted in Chicago hypocritically commits itself to the following promise: "Freedom of speech, press and assemblage are fundamental principles on which our form of government rests. These vital principles should be preserved and protected." The Republican party and public officers who are members of that party have flagrantly and continuously violated those most sacred rights of the American citizenship and have attempted to suppress radicalism by these strongarm and unlawful methods, rather than by removing the causes of radicalism, to wit: The grave social economic maladjustment now evidencing itself, which condition of poverty causes the spread of political heresies much faster than does advocating such heresies through the lawful exercise of freedom of speech and the press. The serious economic problems that face our people, the corrupt lobbyist who seek special legislative favors at the expense of the masses and in turn appeal to patriotism and the protection of government when their interests are in danger, and the attempt to suppress and abridge the liberties of the people, are the grave dangers that beset American institutions; and

Whereas, The Republican party in its said platform commits itself to its historical policy of imperialism, and though it attempts to couch the description of its position in fine sounding words, it actually practices said imperialistic policy by acts and deeds that have been used as an example and excuse for the relation that now exists between Japan and China; and though the Republican party represents itself to be the advocate of peace

among the nations, it is defeating the very object of peace by agreeing to ignore the great military forces known as organized reserves in the discussion of the conference on reduction of armaments held in Geneva; and

Whereas, A comparison of the national Democratic and Republican candidates and platforms shows that the Democratic party at least gives greater promise of hope in these trying times and offers pledges, if carried out, of such great importance to the welfare of this nation and its people, that all of the factions within the State may well unite in the present national emergency; now therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That it is the opinion of the Forty-second Legislature of this State that all the enfranchised citizens of Texas should vote for and support the Democratic nominees for President and Vice-President of the United States of America; and be it further

Resolved, That copies of this resolution be sent the Senators and Congressmen who now represent the State of Texas in the Congress, and to the present Democratic candidates for President and Vice-President of the United States of America, respectively.

The resolution was read second time.

Mr. McGregor moved that the resolution be referred to the Committee on State Affairs.

Mr. Bradley moved to table the motion and the motion to table was lost.

Question next recurring on the motion to refer the resolution to the Committee on State Affairs, it prevailed.

RELATIVE TO THE PRINTING OF CERTAIN REPORTS.

Mr. Cunningham offered the following resolution:

Whereas, In view of the fact that the present Called Session has been occasioned, among other things, for liquidation of county road bond indebtedness; and

Whereas, There appearing some dissension and difference of opinions in the minds of the public relative to the necessity existing therefore; and

Whereas, In justice to those counties having such road bond indebted-

edness and yet, as well as for those who have not such indebtedness, and for the benefit of those desiring such road bond relief; be it

Resolved, That the following portion of the report of the State Comptroller, State Treasurer, and the State Auditor, issued on September 1st and published on September 2nd, be incorporated in the House Journal, that the members of the House and people of Texas may have such information bearing upon the matter of necessity for such legislation, said portion of report requested to be published in the Journal reading as follows:

"The deficit in the State's general revenue fund on August 31, end of the fiscal year, was \$3,935,600.69, State Comptroller George Sheppard and State Treasurer Charles Lockhart announced in a joint statement issued Thursday.

"Sheppard and Lockhart issued the statement jointly because the size of the deficit was an issue in the recent political campaign. State Auditor Moore Lynn, Governor's appointee, made an estimate that differed from Sheppard's.

"Lynn estimated the deficit at \$2,505,856. Sheppard estimated it at \$3,914,734. The actual deficit was \$3,935,600.69. Sheppard missed the correct figure \$20,866.60. Lynn missed it by \$1,429,744.69."

The resolution was read second time.

Mr. McCombs moved that the resolution be referred to the Committee on State Affairs.

Mr. Cunningham moved to table the motion, and the motion to table was lost.

Question next recurring on the motion to refer the resolution, it prevailed.

GRANTING D. N. BROOKS PERMISSION TO SUE THE STATE.

Mr. Metcalfe offered the following resolution:

H. C. R. No. 10, Granting D. N. Brooks permission to sue the State.

Whereas, On or about Thanksgiving Day, 1930, Mr. D. N. Brooks, of San Angelo, Texas, who was then in the employ of the State Highway Department of Texas, and was working in the vicinity of Eldorado, Texas, upon the State highway; and

Whereas, Said D. N. Brooks, while in the discharge of his duties, was seriously injured, and is still suffer-

ing from the effects of the injury; and

Whereas, Said D. N. Brooks has never been compensated by the State for the injuries received while in its employ; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That D. N. Brooks be and hereby is granted permission to bring suit against the State of Texas in a court of competent jurisdiction in order to determine compensation for injuries received, if any he can show, while in the employ of the State Highway Department; and that service of citation, or other necessary process, may be had upon the Highway Commission and the Attorney General with the same force and effect as in civil cases.

The resolution was read second time.

On motion of Mr. Metcalfe, the resolution was referred to the Committee on State Affairs.

SENATE BILL NO. 3 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 3, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all State, county, special school district, road district, levee improvement district, and irrigation district taxes and taxes of other defined subdivisions of the State, other than incorporated cities and towns, delinquent up to and including October 20, 1932, providing said taxes are paid on or before January 31, 1933, declaring a State policy and the existence of a public calamity, suspending all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Young offered the following (committee) amendment to the bill:

Insert after the word "on" and before the word "or" in line 2, of Section 1, the following: "Taxes that are delinquent on."

The amendment was adopted.

Mr. Goodman offered the following amendment to the bill:

Amend Senate bill No. 3 by striking out the words and figures "December 31, 1932," in last line of Section 1, and insert the following, "January 31, 1933."

Mr. Kennedy moved the previous

question on the pending amendment and the main question was ordered.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—68.

Adams of Jasper.	Howsley.
Adamson.	Hubbard.
Adkins.	Johnson
Albritton.	of Dimmit.
Alsup.	Jones of Shelby.
Anderson.	Jones of Atascosa.
Baker.	Kennedy.
Barron.	Lasseter.
Bedford.	Leonard.
Bond.	Lockhart.
Burns of Walker.	McGill.
Carpenter.	McGregor.
Cox of Limestone.	Magee.
Dale.	Mathis.
Daniel.	Nicholson.
Dodd.	Olsen.
Elliott.	Patterson.
Engelhard.	Petsch.
Farmer.	Pope.
Farrar.	Ramsey.
Ferguson.	Ray.
Finn.	Rogers.
Forbes.	Shelton.
Fuchs.	Smith of Bastrop.
Giles.	Smith of Wood.
Goodman.	Sparkman.
Greathouse.	Tarwater.
Grogan.	Towery.
Hardy.	Turner.
Harrison	Van Zandt.
of Waller.	Vaughan.
Herzik.	Walker.
Hill.	Weinert.
Holloway.	West of Coryell.
Hoskins.	Westbrook.

Nays—56.

Akin.	Harrison
Beck.	of El Paso.
Boyd.	Hefley.
Bradley.	Hines.
Brooks.	Holland.
Bryant.	Hughes.
Burns	Jackson.
of McCulloch.	Justiss.
Caven.	Kayton.
Claunch.	Laird.
Coltrin.	Lee.
Cox of Lamar.	Lemens.
Cunningham.	Lilley.
Davis.	Long.
Donnell.	McCombs.
Dowell.	Metcalfe.
Ford.	Moffett.
Gilbert.	Moore.
Graves.	Morse.
Hanson.	Munson.
Harman.	Ratliff.

Reader.	Terrell
Richardson.	of Cherokee.
Satterwhite.	Terrell
Scott.	of Val Verde.
Sherrill.	Wagstaff.
Stephens.	Warwick.
Steward.	West of Cameron.
Strong.	Wiggs.
Sullivant.	Young.

Absent.

Brice.	McDougald.
Coombes.	Martin.
Dunlap.	Mehl.
Duvall.	Murphy.
Dwyer.	O'Quinn.
Fisher.	Rountree.
Holder.	Sanders.
Johnson	Stevenson.
of Dallam.	Wyatt.

Absent—Excused.

Adams of Harris.	Keller.
Bounds.	Savage.

Mr. Goodman moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Howsley offered the following amendment to the bill:

Amend Senate committee substitute for Senate bill No. 3 by striking out the words "Special School" and "School District" in Section 1 and inserting after the word "towns" the words "Special School" and "School Districts."

The amendment was lost.

Mr. Towery offered the following amendment to the bill:

Amendment to Senate bill No. 3: Change the date in lines 2 and 7 in Section 1 to read "Dec. 31, 1933."

Mr. Burns of Walker raised a point of order on further consideration of the amendment on the ground that it proposes to change an amendment previously adopted by the House.

The Speaker sustained the point of order.

Mr. Davis offered the following amendment to the bill:

Amend Senate committee substitute for Senate bill No. 3 by inserting after the first word "District," in line 4 of Section 1 of the mimeographed copy thereof, the following words: "Water improvement districts and water control and improvement districts."

The amendment was adopted.

Mr. Pope offered the following amendment to the bill:

Amend Senate bill No. 3 by striking out the words "other than incorporated cities and towns" in the caption and the body of the bill.

POPE,
ANDERSON.

Mr. Harrison of El Paso raised a point of order on consideration of the amendment on the ground that the amendment violates certain sections of the Constitution.

The Speaker declined to rule on the point of order, stating that the House may decide the matter in voting on the amendment.

Mr. McGill and Mr. Harrison of El Paso offered the following substitute for the amendment by Mr. Pope:

Amend Senate bill No. 3 by adding a new section reading as follows: "1a. Any city or town may adopt the provisions of this act by a resolution of its governing body."

McGILL,
HARRISON of El Paso.

Question—Shall the substitute amendment be adopted?

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 7, 1932.
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. J. R. No. 1, Relative to ratifying an amendment to the Constitution of the United States of America.

H. C. R. No. 7, Memorializing the Congressmen and Senators from Texas to vote and work for the full payment of the adjusted service certificates of all ex-soldiers and for the full payment of the soldiers' bonus bill at the next session of Congress.

Respectfully,
BOB BARKER,
Secretary of the Senate.

COMMUNICATION FROM THE HON. JOE P. HATCHITT.

The following communication was ordered printed in the Journal:

Joe P. Hatchitt,
Suite 608, Nixon Building,
Corpus Christi, Texas.

August 9, 1932.

Honorable Ross Sterling, Capitol Station, Austin, Texas.

Dear Sir: By reason of my re-

moval from the district, please permit me to offer my resignation as a member of the Legislature for District No. 111, Place No. 2.

Yours very respectfully,

(Signed)

JOE P. HATCHITT.

JPH/d.

RELATIVE TO HOUSE BILL NO. 2.

Mr. Hubbard asked unanimous consent of the House to authorize the Engrossing Clerk of the House to make a certain correction in House bill No. 2.

There was no objection offered, and it was so ordered.

MESSAGE FROM THE GOV- ERNOR.

Mr. Pat Dougherty, secretary to the Governor, appeared at the bar of the House and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,
Austin, Texas, September 7, 1932.

To the Members of the Forty-second Legislature:

I hereby hand you for your consideration the attached bills captioned as follows:

1. An act to authorize the State Department of Education to pay out of the Rural Aid Appropriation for the school year of 1932-33 an amount not to exceed fifty thousand dollars for the payment of unpaid claims for the school year of 1931-32 out of the Rural Aid Appropriation as provided in Senate bill No. 263, Forty-second Legislature, Regular Session, and providing for the reverting of any unused portion of said sum to the appropriation for the school year of 1932-33; repealing all laws in conflict herewith, and declaring an emergency.

2. An act requiring the Land Commissioner to ascertain and determine the amounts of bonus and rental money due the State and by whom due under the operation, terms and conditions of Chapter 81, printed Acts of the Second Called Session of the Thirty-sixth Legislature, and the amendment thereof by the First Called Session of the Thirty-seventh Legislature, which acts are generally referred to as the Relinquishment Act, authorizing the Land Commissioner to settle and compromise such

debts with the debtors on the basis of actual amounts found due less all just and lawful credits; providing the terms and conditions by which the debtor to the State shall pay the amount found by the Land Commissioner to be due, or that may be determined to be due by the judgment of a court; providing that the finding of the Land Commissioner shall be final against the debtor when accepted by him; providing for the making of a statement in writing by the Land Commissioner to the Attorney General of the facts found by him in each case; authorizing the Attorney General to bring suit for the collection of the amount found to be due by the State and when in the judgment of the Attorney General the State is entitled to a larger amount than that found by the Land Commissioner, to sue for such larger amount, fixing the venue of all suits for the recovery of bonus and rental money due the State; providing that no suit may be maintained by the State for the collection of any bonus or rental money except as in this act provided; and that suit may not be maintained for a larger amount than that found to be due by the Land Commissioner after one year from the date of the Land Commissioner's written statement to the Attorney General, and that no suits for the collection of such debts may be maintained unless instituted within two years from the date this act becomes effective; providing that the terms and provisions of this act shall not apply to any indebtedness due the State for bonus or rental money under the Relinquishment Act which has accrued or may accrue subsequent to the 24th day of February, 1932; and that nothing in this act shall be construed to affect or change the existing rights and obligations between the landowners and lessees as to such accrued indebtedness; the finding of certain facts by the Legislature; defining the terms used in this act; providing that if any portion of this act ever be held to be unconstitutional such holding shall not affect the remaining portions of this act, and declaring an emergency.

3. An act confirming and validating repurchases of public free school and asylum lands by forfeited landowners heretofore made under Chapter 94, page 267, Acts of 1925, and Chapter 25, page 43, Acts of the First Called Session of the Thirty-

ninth Legislature of 1926; defining the rights of the State and the repurchasing landowners in respect to the ownership of the oil and gas and other minerals therein; and providing that oil and gas leases heretofore or hereafter executed by the repurchasing landowners on any lands repurchased under said acts with a one-sixteenth reservation of oil and gas in favor of the State shall be validated and that the lessees under such leases shall pay to the State a free royalty equal to one-sixteenth of the value of the oil and gas that may be produced and saved from said lands and that no further liability, obligation or payment shall be due to the State from the repurchasing landowners or their lessees or assignees on account of the State's one-sixteenth interest in the oil and gas; and providing how such royalty payments shall be made; and further providing that where the prior forfeited sales were made without mineral reservation, the purchase contracts made under said Repurchase Acts shall be deemed to have been made without mineral reservation in favor of the State, and declaring an emergency.

4. An act amending Article 5326, Revised Civil Statutes, providing that the failure to pay any portion of the interest of the unpaid purchase money of lands sold by the State shall subject the sale of said land to forfeiture; providing where such sale is forfeited for the resale of said land, the terms and conditions of such resale, and giving a preference right to the person owning the land at the time the sale was forfeited to repurchase the same within one year after the date of forfeiture, for an amount equal to the sale price that was forfeited plus all accrued interest; providing that where the forfeited sale was on a mineral classification that the resale shall reserve to the State and to the fund to which the land belongs, a one-sixteenth free royalty interest in all minerals in the land, and declaring an emergency.

5. An act for the relief of water improvement districts and water control and improvement districts and declaring and providing for such districts the power to make contracts with, sell securities to, and borrow money from, the Reconstruction Finance Corporation, and defining the terms and conditions upon which and the manner in which, said powers may

be exercised, and providing the purpose for which the money so borrowed may be expended, and providing how and in what manner the repayment of such borrowed money may be secured out of certain income and revenues of such districts, and providing certain rights and remedies for the enforcement of such security, and for said purposes created the "Loan Fund Charge," and providing for the proceeds of said Loan Fund Charge to be kept in a separate fund to be known as the "Loan Fund" to be used and disbursed for no other purpose than to pay the principal and interest of the money borrowed, and providing that the action of the board of directors of the district in fixing the Loan Fund Charge and in fixing the total annual charges or assessments for maintenance and operation purposes shall not be reviewable by the State Board of Water Engineers, and providing that such borrowed money may be secured by pledging all or any part of certain present and future income of such districts and by pledging upon certain terms and conditions unsold bonds of such districts theretofore authorized by such districts for the purpose for which said moneys are borrowed, and providing that any such district may secure the payment of any such borrowed money by all or any of the means provided in this act, and providing that all powers conferred in this act are in addition to and cumulative of existing powers possessed by such districts, and providing the manner in which such powers may be exercised by the board of directors of such districts, and declaring an emergency. ,

6. An act for the relief of water improvement districts and water control and improvement districts, and empowering such districts without an election to refund outstanding bonded indebtedness including matured and unpaid interest coupons and accrued interest, and prescribing the manner in which, and the terms and conditions upon which same may be refunded, and prescribing the duties and functions of the Attorney General and Comptroller of the State in connection with such refunding; and providing for the manner in which, and the terms and conditions upon which such district may cancel all, or any part, of such unsold bonds heretofore authorized by such districts; and providing for the manner in which and the terms and con-

ditions upon which said districts in certain contingencies and emergencies may borrow money for certain purposes and prescribing how the indebtedness for such borrowed money may be evidenced and secured, and authorizing such district for such borrowed money to create and pledge out of its income and revenues by creating and pledging the "Emergency Loan Fund Charge," and defining said charge, and prescribing what shall be done with the proceeds of the collection of such charge; and providing that such charge when fixed by the board of directors of such district shall not be reviewable by the State Board of Water Engineers; and providing that such district may also pledge all or any part of its present or future income accruing from certain sources to secure repayment of said borrowed money; and prescribing the terms, conditions, and circumstances under which any such district may borrow money for improvements, repairs, replacements, extensions, betterments, or additions; and prescribing how and in what manner the repayment of such borrowed money may be secured, and creating and authorizing the pledge of the "Improvement Loan Fund Charge," and defining said charge and prescribing what disposition shall be made of the proceeds of such charge; and prescribing the terms and conditions upon which such district may pledge certain of its unsold bonds to secure the repayment of said borrowed money; and providing for the impounding of any such unsold bonds not pledged to secure the repayment of said borrowed money; and the application of the proceeds of the sale of any such impounded bonds; and providing that any such district may secure the payment of any such borrowed money by any or all of the means provided in the act, and that all powers conferred in the act are cumulative; and providing how such powers may be exercised by the board of directors of any such district; and providing that any such district may exchange any unsold authorized bonds on hand, par for par, for any other bonds of the same issue theretofore sold or disposed of by such district; and that all bonds so received in exchange shall be subject to sale or other disposition, and declaring an emergency.

Respectfully submitted,

R. S. STERLING,
Governor.

RECESS.

On motion of Mr. Lemens, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

BILLS ORDERED PRINTED IN MIMEOGRAPH FORM.

On motion of Mr. Satterwhite, the committee substitute to House bill No. 48 was ordered printed in mimeograph form in lieu of the original bill.

On motion of Mr. Anderson, House bill No. 66 was ordered printed in mimeograph form and not otherwise printed.

On motion of Mr. Harrison of El Paso, House bill No. 64 was ordered printed in mimeograph form and not otherwise printed.

BILL ORDERED NOT PRINTED.

On motion of Mr. Anderson, House bill No. 53 was ordered not printed.

NOTICE GIVEN.

Mr. Anderson gave notice that he would, on the next legislative day, move to take up for consideration at that time House concurrent resolution No. 8, providing for adjournment sine die, which resolution had heretofore been laid on the table subject to call.

SENATE BILL NO. 3 ON PAS-SAGE TO THIRD READING.

The House resumed consideration of pending business, same being Senate bill No. 3, relative to releasing the penalties on certain taxes, the bill having heretofore been read second time with amendment by Mr. Pope and substitute amendment by Mr. McGill for the amendment, pending.

Question first recurring on the substitute amendment, it was lost.

Question next recurring on the amendment by Mr. Pope, it was adopted.

Mr. Nicholson offered the following amendment to the bill.

Amend Senate committee substitute for Senate bill No. 3, Section No. 1, by adding the following at

end of section: "And further provided, that such taxes as are due for the current year are first paid."

NICHOLSON,
BARRON.

The amendment was lost.

Mr. Sherrill offered the following amendment to the bill:

Amend Senate committee substitute for Senate bill No. 3 by striking out all the language after the word "released," in line 6, and insert in lieu thereof the following: "Provided, said taxes are paid one-third on or before January 31, 1933; one-third on or before November 1, 1933; and one-third on or before November 1, 1934."

On motion of Mr. Mathis, the amendment was tabled.

Mr. Moffett offered the following amendment to the bill:

Amend Senate committee substitute for Senate bill No. 3 by adding Section 2a after Section 2:

"Sec. 2a. It is provided further that in case any section, clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the section, clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered."

MOFFETT,
FORD.

The amendment was adopted.

Mr. Jones of Atascosa moved the previous question on the pending amendments on the Speaker's desk and the bill, and the main question was ordered.

Mr. Moffett offered the following amendment to the bill:

Amend Senate committee substitute for Senate bill No. 3 by inserting the following sentence at the end of Section 1: "Any officer who is entitled to any fees or costs on any taxes upon which penalty and interest is hereby remitted, is hereby authorized to remit any or all of said fees and costs, which may have accrued to him, by suit or otherwise."

MOFFETT,
FORD,
ROUNTREE,
LOCKHART.

The amendment was lost.

Mr. Morse offered the following amendment to the bill:

Amend Senate bill No. 3, Section 1, line 6, by adding the following after the word "towns": "and all school districts wherein the school taxes are collected by the same agency which collects city taxes."

The amendment was lost.

Senate bill No. 3 was then passed to third reading by the following vote:

Yeas—112.

Adams of Harris.	Johnson
Adams of Jasper.	of Dallam.
Adamson.	Johnson
Adkins.	of Dimmit.
Akin.	Jones of Shelby.
Albritton.	Jones of Atascosa.
Alsup.	Justiss.
Baker.	Kayton.
Barron.	Keller.
Bedford.	Kennedy.
Bond.	Laird.
Boyd.	Lasseter.
Bradley.	Lee.
Brice.	Lemens.
Brooks.	Leonard.
Bryant.	Lockhart.
Burns of Walker.	Long.
Carpenter.	McCombs.
Coltrin.	McDougald.
Coombes.	McGill.
Cox of Lamar.	Magee.
Cox of Limestone.	Mathis.
Cunningham.	Metcalf.
Dale.	Moffett.
Daniel.	Moore.
Davis.	Munson.
Dodd.	Nicholson.
Donnell.	Olsen.
Dowell.	O'Quinn.
Elliott.	Patterson.
Engelhard.	Pope.
Farmer.	Ramsey.
Farrar.	Ratliff.
Finn.	Ray.
Forbes.	Reader.
Ford.	Richardson.
Fuchs.	Rountree.
Gilbert.	Satterwhite.
Giles.	Scott.
Goodman.	Shelton.
Greathouse.	Sherrill.
Hardy.	Smith of Bastrop.
Herzik.	Smith of Wood.
Hill.	Sparkman.
Hines.	Stephens.
Holder.	Steward.
Holland.	Strong.
Holloway.	Sullivant.
Hoskins.	Tarwater.
Howsley.	Terrell
Hughes.	of Cherokee.
Jackson.	

Terrell	Weinert.
of Val Verde.	West of Coryell.
Towery.	West of Cameron.
Turner.	Westbrook.
Van Zandt.	Wiggs.
Vaughan.	Young.
Walker.	

Nays—6.

Beck.	Sanders.
Graves.	Warwick.
Morse.	Wyatt.

Absent.

Anderson.	Harrison
Burns	of Waller.
of McCulloch.	Hefley.
Caven.	Hubbard.
Claunch.	Lilley.
Dunlap.	McGregor.
Duvall.	Martin.
Dwyer.	Mehl.
Ferguson.	Murphy.
Fisher.	Petsch.
Grogan.	Rogers.
Hanson.	Stevenson.
Harman.	Wagstaff.
Harrison of El Paso.	

Absent—Excused.

Bounds.	Savage.
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SENATE BILL NO. 3 ON THIRD READING.

Mr. Young moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—112.

Adams of Harris.	Carpenter.
Adams of Jasper.	Coltrin.
Adamson.	Coombes.
Adkins.	Cox of Lamar.
Akin.	Cox of Limestone.
Albritton.	Cunningham.
Alsup.	Dale.
Anderson.	Daniel.
Baker.	Davis.
Barron.	Dodd.
Beck.	Donnell.
Bedford.	Dowell.
Bond.	Elliott.
Boyd.	Engelhard.
Bradley.	Farmer.
Brice.	Farrar.
Brooks.	Ferguson.
Bryant.	Finn.
Burns of Walker.	Forbes.
Burns	Ford.
of McCulloch.	Fuchs.

Gilbert.	Moore.
Giles.	Munson.
Goodman.	Nicholson.
Hanson.	Olsen.
Hardy.	O'Quinn.
Herzik.	Patterson.
Hill.	Pope.
Hines.	Ramsey.
Holder.	Ratliff.
Holland.	Ray.
Holloway.	Reader.
Hoskins.	Richardson.
Howsley.	Rogers.
Hughes.	Satterwhite.
Jackson.	Scott.
Johnson	Shelton.
of Dallam.	Sherrill.
Johnson	Smith of Bastrop.
of Dimmit.	Sparkman.
Jones of Shelby.	Stephens.
Jones of Atascosa.	Steward.
Justiss.	Strong.
Kayton.	Sullivant.
Kennedy.	Tarwater.
Laird.	Terrell
Lee.	of Cherokee.
Lemens.	Terrell
Leonard.	of Val Verde.
Lockhart.	Towery.
Long.	Turner.
McCombs.	Van Zandt.
McDougald.	Vaughan.
McGill.	Walker.
McGregor.	Weinert.
Magee.	West of Cameron.
Mathis.	Westbrook.
Metcalfe.	Wiggs.
Moffett.	

Nays—6.

Graves.	Rountree.
Lasseter.	Warwick.
Morse.	Wyatt.

Absent.

Caven.	Hefley.
Claunch.	Hubbard.
Dunlap.	Lilley.
Duvall.	Martin.
Dwyer.	Mehl.
Fisher.	Murphy.
Greathouse.	Petsch.
Grogan.	Sanders.
Harman.	Smith of Wood.
Harrison	Stevenson.
of El Paso.	Wagstaff.
Harrison	West of Coryell.
of Waller.	Young.

Absent—Excused.

Bounds.	Savage.
Keller.	

The Speaker then laid Senate bill No. 3 before the House on its third reading and final passage.

The bill was read third time.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Senate bill No. 3 was then passed by the following vote:

Yeas—115.

Adams of Harris.	Howsley.
Adams of Jasper.	Hubbard.
Adamson.	Hughes.
Adkins.	Jackson.
Akin.	Johnson
Albritton.	of Dallam.
Alsup.	Johnson
Anderson.	of Dimmit.
Baker.	Jones of Shelby.
Barron.	Jones of Atascosa.
Bedford.	Justiss.
Bond.	Kayton.
Boyd.	Kennedy.
Bradley.	Laird.
Brice.	Lee.
Brooks.	Lemens.
Bryant.	Leonard.
Burns of Walker.	Lockhart.
Carpenter.	Long.
Caven.	McCombs.
Coltrin.	McDougald.
Coombes.	Magee.
Cox of Lamar.	Mathis.
Cunningham.	Metcalfe.
Dale.	Moffett.
Daniel.	Moore.
Dodd.	Munson.
Donnell.	Nicholson.
Dowell.	Olsen.
Dunlap.	Patterson.
Duvall.	Pope.
Elliott.	Ramsey.
Engelhard.	Ratliff.
Farmer.	Ray.
Farrar.	Reader.
Ferguson.	Rogers.
Finn.	Rountree.
Forbes.	Satterwhite.
Ford.	Scott.
Fuchs.	Shelton.
Gilbert.	Smith of Bastrop.
Giles.	Smith of Wood.
Goodman.	Sparkman.
Greathouse.	Stephens.
Grogan.	Steward.
Hanson.	Strong.
Harman.	Sullivant.
Harrison	Tarwater.
of Waller.	Terrell
Hefley.	of Cherokee.
Herzik.	Terrell
Hill.	of Val Verde.
Hines.	Towery.
Holder.	Turner.
Holland.	Van Zandt.
Holloway.	Vaughan.
Hoskins.	Wagstaff.

Walker. Westbrook.
Weinert. Wiggs.
West of Cameron. Young.

Nays—12.

Beck. Richardson.
Graves. Sanders.
Harrison. Stevenson.
of El Paso. Warwick.
McGill. West of Coryell.
McGregor. Wyatt.
Murphy.

Present—Not Voting.

Morse. Sherrill.

Absent.

Burns Hardy.
of McCulloch. Lasseter.
Claunch. Lilley.
Cox of Limestone. Martin.
Davis. Mehl.
Dwyer. O'Quinn.
Fisher. Petsch.

Absent—Excused.

Bounds. Savage.
Keller.

PAIRED.

Mr. Sherrill (present), who would vote "yea," with Mr. Lasseter (absent, who would vote "nay."

Mr. Morse (present), who would vote "nay," with Mr. Hardy (absent), who would vote "yea."

Mr. Pope moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE.

I vote for Senate bill No. 3 because the deplorable condition seems to justify it, and my people demand it; but, if this policy is not soon changed, the State and its subdivisions will be bankrupt.

BRYANT.

RESOLUTIONS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

H. J. R. No. 1, Ratifying certain amendment to the Constitution of the United States.

H. C. R. No. 7, Memorializing Congress in regard to passing the "Bonus Bill."

HOUSE BILL NO. 47 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 47, A bill to be entitled "An Act to provide: (a) To confer on the State of Texas the right to appeal from awards made by commissioners to appraise damages, and, or, judgments of courts, in condemnation proceedings: (b) Providing the conditions upon which the State may have the writ of possession pending final determination of proceedings in condemnation, and making adequate provision to protect the right of private persons and their property concerning the prompt payment of final awards in condemnation proceedings," etc.

The bill was read second time.

Mr. Van Zandt offered the following amendment to the bill:

Amend House bill No. 47 on page 2, Section 1, subsection (a), by striking out the following: "to be controlled by the time at which the writ of possession may be sought," and substitute in lieu thereof "whichever may be the greater."

The amendment was lost.

Mr. Greathouse offered the following amendments to the bill:

Amend House bill No. 47 by striking out the following words in lines 24 and 25 on page 2: "Both by said clerk and the condemnee," and insert in lieu thereof the following, viz.: "Of the judge and clerk of said court and also the condemnee."

Amend House bill No. 47, page 2, line 13, by inserting after the word "or" the following: "in case of appeal by the condemnee."

The amendments were severally adopted.

Mr. Metcalfe offered the following amendment to the bill:

Amend House bill No. 47 so that its provisions will apply only to water control and improvement districts.

The amendment was adopted.

Mr. Burns of Walker offered the following amendment to the bill:

Amend House bill No. 47 by adding a new section providing the following:

"That nothing contained in this bill shall ever apply to the counties of Houston, Walker and San Jacinto."

BURNS of Walker.
DANIEL.

Mr. Beck raised a point of order on further consideration of the amendment, on the ground that the amendment is not germane to the purposes of the bill.

The Speaker sustained the point of order.

Question—Shall the bill be passed to engrossment?

MESSAGE FROM THE GOVERNOR.

The Speaker laid before the House and had read the following message from the Governor:

Executive Office,
Austin, Texas, September 7, 1932.
To the Members of the Forty-second Legislature:

I hand you herewith the following bill for your consideration:

"An Act validating all road bonds heretofore voted by any political subdivision or road district under Section 52 of Article 3 of the Constitution, and which bonds have not been issued and sold; authorizing the commissioners court of the county including such subdivision or road district to pass all orders necessary in respect of the sale of such road bonds and to levy ad valorem taxes on all taxable property in such subdivision or district in payment thereof; providing that such bonds, when approved by the Attorney General and registered by the State Comptroller, shall be the valid obligation of such political subdivision or road district issuing the same, and declaring an emergency."

Respectfully submitted,
R. S. STERLING,
Governor.

RECESS.

Mr. Holder moved that the House recess to 9:30 o'clock a. m. tomorrow.

Mr. Morse moved that the House recess to 10 o'clock a. m. tomorrow.

The motion of Mr. Holder prevailed, and the House, accordingly, at 5:20 o'clock p. m., took recess to 9:30 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

Revenue and Taxation: House bills Nos. 48 and 55.

State Affairs: House bills Nos. 50 and 53 and House concurrent resolution No. 9.

Municipal and Private Corporation: House bills Nos. 64 and 66.

Conservation and Reclamation: House bills Nos. 67 and 68.

Appropriations: House bill No. 62.

The following committees have today filed adverse reports with minority favorable reports on bills, as follows:

State Affairs: House concurrent resolution No. 5.

Judiciary: House bills Nos. 14, 15, 16 and 46.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, September 7, 1932.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 2, A bill to be entitled "An Act to amend Sections Four (4) and Five (5) of Senate bill No. 74, Chapter 186, of the General Laws of the Regular Session of the Thirty-ninth Legislature, and repealing Sections Three (3), Six (6), and Seven (7) of Senate bill No. 74, of Chapter 186 of the General Laws of the Regular Session of the Thirty-ninth Legislature; to amend Article 7065a, Section 17, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, as amended by the Acts of the Regular Session of the Forty-second Legislature, Section 2, Chapter 98, by adding thereto two new subdivisions, numbered Twelve (12) and Thirteen (13); and to amend Article 7065n, Section 17, Subdivision 5, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, as amended by the Acts of the Regular Session of the Forty-second Legislature, Chapter 104; declaring a State policy in the construction and maintenance of a system of State highways from a source of income other than ad valorem taxes, and providing for the allocation of the occupation or excise tax on the business of selling gasoline; and declaring a State policy and providing for the acquisition, ownership, control, establishment, construction and maintenance

nance of the system of State highways of Texas from a source of income other than ad valorem taxes; and providing for compensation and reimbursement to counties and defined road districts for their aid and assistance to the State in the construction of a system of State highways and providing for compensation to the counties and defined road districts of Texas for their interest and equities in the system of State highways; defining the expressions 'defined road district' or 'road district' or 'district' and the expressions 'road' or 'roads,' as used in the act; creating and defining the powers and duties of a Board of County and District Road Indebtedness; creating the County and Road District Highway Fund to be deposited with the State Treasurer from time to time out of one-fourth (¼) of the occupation or excise tax on the business of selling gasoline, and providing for the use and application of said moneys and the manner in which and the purposes for which same shall be so used and applied; providing for an appropriation of all moneys deposited to the credit of said fund with the State Treasurer up to September 1, 1933, for the payment of principal and interest on eligible obligations therein defined of the counties and road districts of the State maturing from January 1, 1933, to September 1, 1933, and providing that each year thereafter until all of such eligible obligations of said counties and road districts of the State are fully paid, all moneys coming in to the credit of said County and Road District Highway Fund and all moneys remaining therein from the previous year shall be subject to appropriation for the payment of principal and interest maturing from time to time on said eligible obligations; providing that no provision of this act shall be construed to authorize the giving or lending of the credit of the State to any county or district or to pledge the credit of the State for the payment of any outstanding road indebtedness of the counties or districts of the State and providing that all eligible obligations shall remain obligations of the respective counties or districts which issued them, and providing that the State of Texas does not assume the payment of any of such obligations; providing that any portion of this act that may be declared invalid shall not affect other

portions; providing for the repeal of any conflicting provisions of the statutes, and declaring an emergency."

Have carefully compared same and find it correctly engrossed.

RICHARDSON, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, September 7, 1932.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. J. R. No. 1, Ratifying an amendment to the Constitution of the United States of America passed by the Seventy-second Congress of the United States of America at its First Session, begun and held at the city of Washington on Monday, the seventh day of December, one thousand nine hundred and thirty-one, which amendment, in substance, provides and fixes the commencement of the terms of President and Vice-President and members of Congress and fixes the time of the assembling of Congress, and that said amendment shall take effect on the fifteenth day of October following its ratification; and providing further that this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution within seven years from the date of submission to the States by Congress.

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, September 7, 1932.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 7, Memorializing Congress to pass Soldiers' Bonus Bill,

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

SIXTH DAY.

(Continued.)

(Thursday, September 8, 1932.)

The House met at 9:30 o'clock a. m. and was called to order by Speaker Minor.